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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,630	10/31/2000	Robert G. Gally	81674.026 4196	9667

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EXAMINER

BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,630

Applicant(s)

GALLY ET AL.

Examiner

Steven Blount

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-17 is/are allowed.
- 6) ☒ Claim(s) 1-8, 18 - 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 8 and 18 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,301,257 to Johnson et al.

With regard to claim 1, Johnson et al teach: 1) a local switch that has “a table in internal memory associating the address, eg., MAC address, of a node in the network with the switch and port number” (ie, forwarding database, see col 3 lines 55+); 2) a remote switching processing device: “the appropriate switch responds to the query with the *switch and port number* of the switch and port to which the node having the destination address specified in the data packet is connected” (col 4 lines 15+). While it is not explicitly stated that the “data packet” which does the querying is carried in a frame (more specifically, “unknown address frames”), the examiner believes that one of ordinary skill in the art would recognize that the distinction between packets and frames in this context is an obvious variation.

With regard to claim 2, see the above, and further note the “dtag” mentioned in col 4 lines 14+ and 25+) and shown in figure 3.

With regard to claims 3 -4, see the rejection of claim 1 above.

With regard to claim 5, Lan 120 is an Ethernet Lan.

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With regard to claim 6, see col 3 lines 55+.

With regard to claim 7, the use of broadcast messages, while not explicitly stated to be of "higher" priority, are suggested to be this.

With regard to claim 8, note the table mentioned in col 8 lines 55+.

With regard to claim 18, see the rejection of claim 1, and note that the ingress switch engine number and port number are forwarded to the "egress switch" (ie, the switch that originally sends out the query packet described in col 4 line 11) and mapping the "source address" (ie, the address of the ingress switch) to the ingress switches engine number and port number as described in col 4 lines 16+. Once again, note the obvious distinction between frames and packets as is discussed with respect to the rejection of claim 1 above.

With regard to claim 19, see figure 3.

With regard to claims 20 - 22, see columns 3 - 4 and the discussion above.

With regard to claim 22,

With respect to claim 23, see the rejection of claim 1 above.

3. Claims 9 - 17 are provisionally allowed, in view of the fact that Johnson et al does not teach lines 12 - 16 of claim 9 (beginning with the word "asking" in line 12) as described on pages 7, lines 18+ of the specification (beginning with the word "receiver").

4. Of the prior art cited on the PTO-892 form, the examiner notes U.S. patent 5,909,686 to Muller et al, particularly col 17, lines 30+.

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5. Steven Blount may be reached at 703-305-0319 between the hours of 9:00 and 5:30 Monday through Friday.


Ajit Patel
Primary Examiner

SB


3/13/04